



United States  
Department of  
Agriculture

Grain Inspection,  
Packers and Stockyards  
Administration

Stop 3601  
1400 Independence Ave., SW  
Washington, DC 20250-3601

MAY 13 2008

TO: All GIPSA Employees

FROM: James E. Link  
Administrator

SUBJECT: Civil Rights Policy Statement

As your Administrator, I am firmly committed to ensuring that the Grain Inspection, Packers and Stockyards Administration (GIPSA) adheres to all Federal civil rights laws, regulations, rules, policies, and procedures. I fully support GIPSA's compliance with civil rights and equal employment opportunities for all employees regardless of age, color, disability, gender, national origin, race, religion, family, marital, or parental status, political beliefs, protected genetic information, or sexual orientation.

There is no principle more important. We must comply with every aspect of our Nation's civil rights laws. To do otherwise is simply not acceptable and will not be tolerated.

All GIPSA employees, especially managers and supervisors, are expected to support and comply with the Secretary's Civil Rights Policy Statement and the principles underlying that statement.

Furthermore, I expect support for GIPSA's policy on Equal Employment Opportunity and for ensuring that the workplace is free of discrimination. All personnel practices, including recruitment, selection, training, promotion, and transfers are required to be free of discrimination. Reprisal of any kind will not be tolerated.

GIPSA will promptly pursue appropriate disciplinary action against any employee who engages in unlawful discrimination.

With your help and commitment, we can create a better workplace for all employees and an Agency that delivers programs and services fairly and with equality and integrity.

I look forward to fulfilling this vision -- our goals -- together.



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## GIPSA SEXUAL HARASSMENT POLICY STATEMENT

MAY 13 2008

As your Administrator, I am committed to creating a work environment that is free from discrimination and harassment. All employees have the right to work in an environment that is free of unsolicited and unwelcome sexual overtures. Therefore, all employees, especially managers and supervisors, are responsible for establishing and maintaining a workplace free from discrimination, including sexual harassment.

GIPSA defines sexual harassment as: (a) participating in coercive or repeated unsolicited and unwelcome verbal comments, gestures, or physical comments of a sexual nature; (b) using implicit or explicit coercive sexual behavior in the process of conducting agency business; (c) using implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee; or (d) displaying of material in the office or via e-mail or the internet that contains offensive images or textual references that are of a sexual nature.

Sexual harassment may include, but is not limited to, the use of sexual references that are overheard and found to be offensive by an employee or customer, the displaying of a poster that is found to be offensive by an employee or customer, or the physical cornering or trapping of an employee or customer. Although reports of sexual harassment are often filed by a woman against a man, reports may also be filed by a man against a man, a woman against a man, or a woman against a woman.

Sexual harassment is illegal according to Title VII of the Civil Rights Act of 1964. In GIPSA it will neither be condoned nor tolerated. All GIPSA employees are responsible for managing their behavior and for immediately reporting any allegations of sexual harassment. Substantiated sexual harassment complaints will receive swift, consistent and fair resolution; discipline may include letter of reprimand, suspension, or removal. Reports may be made to any of the following: (a) the harasser's supervisor; (b) GIPSA's Civil Rights Staff (202-720-0216); (c) the USDA Inspector General (OIG) Hotline (calls may be made anonymously: 1-800-424-9121 or 202-690-1202 TTY); or (d) the Federal Women's Program (FWP) manager.

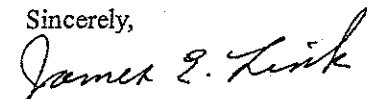
The reason that sexual harassment is of particular concern in GIPSA is that its consequences are harmful to individuals and to the workplace environment. For the individual, emotional or physical pain may result; costs to managers and to the agency may include a poor public image, absenteeism, and a high employee turnover rate. Supervisors are particularly charged with establishing and maintaining a safe and productive workplace that is free of sexual harassment. Managers and supervisors who tolerate sexual harassment or fail to take appropriate action on reports of such incidents may be disciplined.

Prevention is the best tool to eliminate sexual harassment. Managers must clearly communicate to employees that sexual harassment will not be tolerated. Employees may attend training on sexual harassment prevention. Training materials are available from the Civil Rights Office.

I am confident that you will continue to work with me to make GIPSA a workplace free of discrimination and harassment.

Please post this notice in prominent locations at all GIPSA worksites.

Sincerely,

  
James E. Link  
Administrator

*Treat Every Customer and Employee Fairly, Equitably, and with Dignity and Respect*  
Visit us on the Internet at [www.usda.gov/gipsa](http://www.usda.gov/gipsa)



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### GIPSA Anti-Harassment Policy Statement

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This Anti-Harassment Policy Statement reaffirms my commitment to prohibit sexual and non-sexual harassment in GIPSA. Managers, supervisors, and employees must remain cognizant of this policy and refrain from perpetuating acts of harassment. Any reported claim of harassment must be resolved before it becomes severe or pervasive.

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; has the purpose or effect of creating an intimidating, hostile, or offensive work environment, unreasonably interfering with an individual's work performance, or otherwise adversely affects employment opportunities. Harassing conduct includes, but is not limited to epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts, and written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Employees seeking relief from harassment based on sex, with or without sexual conduct, race, color, religion, national origin, age, disability, sexual orientation, marital or parental status must contact the Civil Rights Staff (202-720-0216) within 45 days of an alleged incident. All other allegations of harassment should be reported to supervisors or managers.

Complaints of harassment may be expressed by an employee, applicant, or beneficiary of a GIPSA program or activity without fear of retaliation. All acts of retaliation must be reported immediately through the appropriate forum indicated in the previous paragraph. All allegations will be investigated, and any individual(s) found to have violated prohibitions on harassment will be subject to disciplinary action.

Enforcement guidance from the Equal Employment Opportunity Commission on employer liability for acts of harassment states that **"An employer is always liable for harassment by a supervisor on a prohibited basis that culminates in a tangible employment action."** Tangible employment actions include: hiring and firing; promotion and failure to promote; demotion; undesirable reassignment; a decision causing significant change in benefits; compensation decisions; and work assignment. The guidance also provides that **"in some circumstances, an employer may be subject to vicarious liability for harassment by a supervisor who does not have actual authority over the employee."**

Managers must disseminate this policy statement to all employees within their program areas. Prevention is the most effective tool to successfully eliminate harassment in the workplace.

James E. Link  
Administrator